

OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
www.dir.ca.gov/oshb



NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **April 19, 2007**, at 10:00 a.m.
in Auditorium of the State Resources Building
1416 Ninth Street, Sacramento, California 95814.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **April 19, 2007**, following the Public Meeting
in the Auditorium of the State Resources Building
1416 Ninth Street, Sacramento, California 95814.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **April 19, 2007**, following the Public Hearing
in the Auditorium of the State Resources Building
1416 Ninth Street, Sacramento, California 95814.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JOHN D. MACLEOD, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Low Voltage Electrical Safety Orders and Elevator Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **April 19, 2007.**

1. TITLE 8: **LOW VOLTAGE ELECTRICAL SAFETY ORDERS**
Chapter 4, Subchapter 5, Article 3
Section 2320.2
[Energized Equipment or Systems](#)

2. TITLE 8: **ELEVATOR SAFETY ORDERS**
Chapter 4, Subchapter 6
Sections 3000, 3001, 3009, 3094.2, 3120.6, and 3137
New Sections 3140, 3141, 3141.1 through 3141.13, 3142, 3142.1, 3142.2,
3143, 3144, 3145, and 3146
[Revisions to the Elevator Safety Orders](#)

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **LOW VOLTAGE ELECTRICAL SAFETY ORDERS**
Chapter 4, Subchapter 5, Article 3
Section 2320.2
Energized Equipment or Systems

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is initiated as a result of a Division of Occupational Safety and Health (Division) memorandum dated December 19, 2002, and a Division document titled "Request For New or Change In Existing Safety Order" dated December 13, 2002. Section 2320.2 provides the requirements in the Low Voltage Electrical Safety Orders (LVESO) for work performed on exposed energized parts of equipment or systems. Additionally, Section 2320.2 requires the use of suitable personal protective equipment and safeguards when work is performed on exposed parts of energized equipment or systems.

However, Section 2320.2 does not establish a hazard threshold voltage for worker exposure. Consistent with federal OSHA standards, the Division recommends an amendment that would clarify that suitable protective equipment, such as approved insulating gloves or insulated tools, is not required when working on exposed parts of electrical equipment or systems energized at less than 50 volts. Federal OSHA and the National Electrical Code recognize 50 volts as the threshold where employees must be protected from contact with live parts of electrical equipment.

The Division stated that Section 2320.2 does not address provisions for the care and maintenance of insulating gloves. In order to be in compliance with existing requirements for the in-service care and testing of insulating gloves, the employer must be aware that the General Industry Safety Orders (GISO) require that personnel protective equipment be used in accordance with the manufacturer's instructions. Therefore, the proposal would provide clarity for the employer by incorporating by reference into Section 2320.2 the manufacturer's recommendations for compliance with the American Society for Testing Materials (ASTM) F 496-02a standard that addresses the in-service care of insulating gloves. The proposal includes an update to the existing reference to the ASTM D 120-95, Standard Specification for Rubber Insulating Gloves and the ASTM F 1505-94, Standard Specification for Insulated and Insulating Hand Tools to a current edition of each.

Section 2320.2. Energized Equipment or Systems

LVESO Section 2320.2 provides that work shall not be performed on the exposed parts of energized parts of equipment or systems until a number of listed conditions and work procedures are met.

Subsection (a)(3)

Existing subsection (a)(3) requires that suitable personal protective equipment and safeguards (i.e., approved insulated gloves or insulated tools) are provided and used for work on energized parts of equipment or systems. An exception is proposed for this subsection that clarifies insulating gloves or insulated tools are not required for work on parts or systems energized at less than 50 volts. The effect of this amendment will be to specify a hazard threshold voltage for worker exposure. The proposed amendment is consistent with federal OSHA standards that recognize 50 volts as the starting point where unprotected contact with energized parts can be hazardous.

Subsection (a)(3)(A)

Existing subsection (a)(3)(A) in part requires that rubber insulating gloves shall meet the provisions of the ASTM D 120-95, Standard Specification for Rubber Insulating Gloves, which is incorporated by reference. An amendment would update the outdated 1995 reference for this ASTM standard and reference the 2002 edition (ASTM D 120-02a). The ASTM D 120 standard prescribes the design and testing protocols for manufacturers of insulated gloves to ensure that the gloves will provide suitable protection for the rated voltages allowed for each class of insulated glove. Rubber insulated gloves are designated in six different classes depending on the level of protection they provide and are designated as Class 00, Class 0, Class 1, Class 2, Class 3, and Class 4. Class 00 and 0 rated gloves are used in many low voltage work operations as they provide a maximum use for protection of 500 volts AC and 1,000 volts AC, respectively.

The manufacturers of rubber insulating gloves already follow the current editions of the ASTM standards for the design of insulated gloves and for protocols on how to test gloves to ensure that the gloves will provide protection from electrical hazards for the class of glove used. Therefore, the proposed amendment would have the effect of providing clarity to the standard and would reference the current edition of the ASTM D 120 standard that is more readily available and used by the electrical industry.

Another amendment proposed for subsection 2320.2(a)(3)(A) would clarify that rubber insulating gloves must be maintained in accordance with the ASTM F 496-02a Standard Specification for In-Service Care of Insulating Gloves and Sleeves, which is incorporated by reference in the proposal. The High Voltage Electrical Safety Orders¹ (HVESO) currently incorporate by reference the ASTM F 496-97 standard which in part specifies that the employer is responsible for the periodic visual and electrical re-testing of all insulating gloves. The LVESO are applicable to work on electrical installations and equipment operating at 600 volts or less. For the LVESO, the care, maintenance and use of rubber insulating gloves is addressed in the GISO Section 3380(c) for personal protective equipment. GISO Section 3380(c) states that the employer shall assure that the employee is instructed and uses personal protective equipment in accordance with the manufacturer's instructions. The manufacturers instructions state that rubber insulating gloves must be electrically retested based on the requirements of the latest revision of the ASTM F 496 standard.

The proposed amendment would clarify for the employer performing work within the scope of Section 2320.2 that rubber insulating gloves must be maintained in accordance with the ASTM F 496-02a standard. For some employers that are not currently following the manufacturers recommendations to electrically retest rubber insulating gloves, the proposed amendment would have the effect of making it more apparent that rubber insulating gloves used in low voltage applications must also be maintained in accordance with the ASTM F 496-02a standard.

Subsection (a)(3)(B)

Existing subsection (a)(3)(B) requires that insulated tools shall meet the provisions of the ASTM F 1505-94, Standard Specification for Insulating Hand Tools, which is incorporated by reference. An amendment is proposed that would update the referenced 1994 version of this standard to the 2001

¹ The High Voltage Electrical Safety Orders with some exceptions, apply to electrical installations and electrical equipment operating or intended to operate on systems of more than 600 volts between conductors and all work performed directly on or in proximity to such electrical installations, equipment or systems. [See HVESO Section 2706(a)]

edition of ASTM F 1505. The 2001 edition of this ASTM standard includes several provisions that are not addressed in the 1994 standard such as the design of insulating tweezers and instructions for the design of insulating tools used in extremely low temperatures. The manufacturers of insulating tools already follow the current editions of the ASTM standards for the design of insulated tools to ensure suitable protection from electrical hazards. Therefore, the proposed amendment would have the effect of providing clarity to the standard and would reference an edition of the ASTM F 1505 standard that is more readily available and used by the electrical industry.

DOCUMENTS INCORPORATED BY REFERENCE

1. American Society for Testing Materials (ASTM) D 120-02a, Standard Specification for Rubber Insulating Gloves.
2. ASTM F 496-02a, Standard Specification for In-Service Care of Insulating Gloves and Sleeves.
3. ASTM F 1505-01, Standard Specification for Insulated and Insulating Hand Tools.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. In Section 2320.2(a)(3) the proposal would update the existing reference to the ASTM D 120-95, Standard Specification for Rubber Insulating Gloves to reference the current edition of the standard. Additionally, the proposal would update the existing reference to ASTM F 1505-94, Standard Specification for Insulated and Insulating Hand Tools to the current edition.

Existing provisions in the GISO, Section 3380(c) state that the employer shall assure that the employee is instructed and uses personal protective equipment in accordance with the manufacturer's instructions. The manufacturers of rubber insulating gloves instructions state that rubber insulating gloves must be electrically retested based on the requirements of the ASTM F 496 Standard Specification for In-Service Care of Insulating Gloves and Sleeves. The ASTM F 496 standard in part specifies that all rubber insulating gloves used for service must be electrically retested at intervals not to exceed 6 months. The purpose for periodic, electrically retesting rubber insulating gloves is to ensure that the gloves are in suitable condition to insulate (protect) workers from hazardous contact with energized parts or equipment that could result in serious or fatal injuries. The electrical test can identify hazardous defects or damage to rubber insulated gloves that is not readily seen or identified in typical daily physical, visual, air and/or water filled inspections.

A proposed amendment for Section 2320.2(a)(3)(A) would clarify that rubber insulating gloves must be maintained in accordance with the ASTM F 496-02a standard. In light of the existing provisions contained in GISO Section 3380(c), the proposed amendment does not impose new requirements upon the employer. However, the proposal does provide clarity and makes it readily evident within the LVESO that rubber insulating gloves used in low voltage applications (e.g. 00 and 0 class gloves are rated for protection up to 500 volts and 1000 volts AC respectively) must be electrically retested in accordance with the ASTM standard.

Based on discussions with representatives in the electrical industry, many employers and agencies are already in compliance with existing Title 8 provisions that require them to follow the manufacturer's instructions to electrically retest all classes of rubber insulating gloves. For employers or agencies that are not currently electrically testing their lower voltage rated gloves (e.g. class 00 and 0 gloves) the proposal would clarify that obligation within the Low Voltage Electrical Safety Orders. For those employers, the average cost to electrically test the gloves by a third party certified laboratory is approximately \$16 for each pair of gloves plus a shipping fee. Additionally, employers that would not have an extra pair of gloves available during the test period would need to purchase an extra pair. The 00 and the 0 class rubber gloves can be purchased for approximately \$35 to \$55 per pair, respectively, and the outer low voltage leather protector gloves (worn over the rubber insulating glove) cost approximately \$15 to \$20 per pair. The employer also has the option to purchase new gloves at the end of six months in lieu of electrically retesting the gloves.

Current Federal OSHA standards in 29 CFR 1910.137 "Electrical Protective Equipment", Tables I-5 and I-6, already require electrical testing of rubber insulating gloves. Federal OSHA standards in 29 CFR 1910.137, Table I-5 starts with the 0 class glove and does not address the 00 class glove. Board staff believes that the development of Federal OSHA's existing Tables I-5 and I-6 preceded the development and availability of the 00 class glove from glove manufacturers. However, Board staff has learned that Federal OSHA is proposing amendments outlined in the Federal Register dated June 15, 2005, 29 CFR Parts 1910 and 1926, Proposed Rule for Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment that will reference the 00 class glove in Table I-5. Consequently that will clarify that the 00 class glove also requires electrical testing as outlined in Table I-6.

Finally, a proposed exception to Section 2320.2(a)(3) would provide clarity and relief for the employer by establishing that suitable protective equipment, such as approved insulating gloves or insulated tools are not required when working on exposed parts of electrical equipment or systems energized at less than 50 volts.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. The proposal does not impose new requirements upon State agencies. See the rationale under the heading, "Specific Technology or Equipment."

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Also, see the rationale under the heading, "Specific Technology or Equipment."

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Also, see the rationale under the heading, "Specific Technology or Equipment."

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, this standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

This proposed standard does not impose unique requirements on local governments. All employers - state, local and private will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments would clarify for small businesses (e.g. primarily electrical contractors) that rubber insulating gloves must be tested in accordance with the provisions of the ASTM F 496-02a consensus standard. However, no economic impact is anticipated

because the proposal clarifies existing requirements as explained under the heading “Specific Technology or Equipment.” Further, based on discussions with electrical contractors, the vast majority of electrical work is performed on electrical parts of equipment or systems that are not energized and thus would not be subject to the provisions contained in Section 2320.2 for work while equipment or systems are energized.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8:** **ELEVATOR SAFETY ORDERS**

Chapter 4, Subchapter 6

Sections 3000, 3001, 3009, 3094.2, 3120.6, and 3137

New Sections 3140, 3141, 3141.1 through 3141.13, 3142, 3142.1, 3142.2, 3143, 3144, 3145, and 3146

[Revisions to the Elevator Safety Orders](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Unsafe and defective conveyances present the probability of serious accidents resulting in injury to the public and to employees. The best interest of the State of California is served if these injuries are prevented by providing protection to employees and public users of these conveyances.

Section 7323 of the Labor Code specifically requires the Division of Occupational Safety and Health (Division) to propose to the Occupational Safety and Health Standards Board (Board) for review and adoption, provisions at least as effective as the American Society of Mechanical Engineers (ASME) A17.1, ASME A17.3, ASME 18.1, and the American Society of Civil Engineers (ASCE) 21.

This proposal updates by reference, provisions of ASME A17.1-2004, ASME 18.1-2003, and the ASCE 21, Parts 1 (1996), 2 (1998), and 3 (2000). These technical documents are derived from the conveyance industry and contain the industries’ most recent consensus conveyance standards. These proposed standards, when adopted, will establish minimum requirements for persons installing, operating, maintaining, and inspecting conveyances installed after a specified effective date to be determined by the Office of Administrative Law following adoption of this proposal. The proposed standards will provide for the safe operation and maintenance of conveyances for the protection of employees and the general public.

The Division reviewed ASME A17.3 which is addressed in Labor Code sections 7300 and 7323 and concluded that the elevator safety orders in Title 8 are at least as effective as, or more stringent than, the provisions of ASME A17.3. Therefore, the Division believes adoption of ASME A17.3 is not necessary.

The proposed standards contained in the referenced documents creates a new group, Group IV, with some exemptions and amendments to conveyances installed after a specified effective date to be determined by the Office of Administrative Law following adoption of this proposal.

This proposal also includes amendments to Group I standards to provide that general administrative requirements that apply to existing elevator installations in Group II and Group III standards also apply to new Group IV conveyances, if appropriate. In addition, other amendments are proposed for existing Group II and Group III standards to provide consistency and clarity for existing standards that apply to existing elevators.

Any references to Title 24 in the text are proposed for deletion. Prior to September 30, 2002, the Board was mandated by Health and Safety Code Section 18943(b) to submit Title 8 building standards to the California Building Standards Commission for their approval and adoption into Title 24, the California Building Code. Assembly Bill 3000 (Stats. 2002. c. 1124) repealed Labor Code Section 142.6 and Health and Safety Code Section 18943(b), thus exempting the Board from the building standard requirements contained in those statutes.

This proposed rulemaking action also includes non-substantive revisions such as editorial, grammatical, and re-formatting. These non-substantive revisions are not all discussed in this informative digest but are clearly indicated in the regulatory text in underline and strikeout format. In addition to these non-substantive revisions, the following actions are proposed:

Subchapter 6. Elevator Safety Orders

Group I. Administrative Regulations

The existing wording under the heading “Group I. Administrative Regulations” states that Group I regulations apply to existing and new elevator installations.

The proposal amends this language to provide that Group I standards apply to existing elevator installations covered in Group II and Group III standards, and to new conveyances covered in Group IV standards.

The effect of this proposal on the regulated public would be that the Group I administrative standards would apply to existing elevators installed on or prior to certain dates covered by Group II and Group III standards, and to new conveyances covered by Group IV standards, installed on or after the effective date of this standard.

Article 1. Application

Section 3000. Application

Subsection (c). Devices Included

Existing section 3000(c) consists of subsections (c)(1) through (c)(14), and indicates that devices covered by the Elevator Safety Orders are included under the term “elevator” as used in the Labor Code. The elevators are identified by the type of elevator device, and are indicated by the article(s) in the Elevator Safety Orders that are applicable to the type of elevator. The elevators are also categorized as either “existing” or “new” conveyances.

The proposal editorially revises the existing language of subsections (c)(1) through (c)(14) by, among other editorial revisions, deleting the terms “existing” and “new”.

The effect of this proposal on the regulated public is that all elevators in subsection (c) are implied to be existing elevators, covered by standards in the applicable indicated article(s) for each elevator type; thereby, rendering the terms “new” and “existing” obsolete.

The proposal also adds new subsection (c)(15) that provides for special-purpose personnel elevators covered by regulations of Article 12.3 and for special-purpose elevators covered by regulations of Article 32.

Proposed subsection (c) includes both special-purpose personnel elevators and special-purpose elevators that are already covered by the standards in the articles indicated, but were inadvertently not listed in subsection (c).

Therefore, the effect of this proposal is to ensure that the regulated public is aware that these two special-types of elevators are covered by proposed subsection (c).

Subsection (f). New Installations

Existing section 3000(f) consists of subsections (f)(1) through (f)(3). The existing heading of subsection (f) reads “New Installations.”

It is proposed to delete the term “New” and in its place include the term “Group III” in the heading of subsection (f) to read as “Group III Installations.”

The effect of this proposal on the regulated public is that the term “New” will no longer be consistent with Group III standards. Elevators in Group III become existing elevators with a date of installation on or after October 25, 1998, but before the effective date of the adoption of this proposal.

Existing subsection (f) identifies new installations, summarily described, as devices listed in subsection (c) that are erected after the effective date of the existing standards; existing elevators that have been operating previous to the adoption of the existing standards; and existing elevators that are moved to a new location after the effective date of the existing standards. In addition, existing subsection (f) contains a “NOTE” that indicates standards for new installations are contained in Group III.

The proposal deletes references to “new installations” and “new devices” in existing subsection (f) and provides specific dates for the applicability of Group III standards. In addition, it is proposed to revise the “NOTE” in existing subsection (f), to delete the term “new,” to include the phrase “Group III” to follow the phrase “Regulations for,” and to delete the term “contained.”

The effect of this proposal on the regulated public is that elevator installations covered in Group III are now proposed to be identified as existing elevators installed on or after October 25, 1998, but before the effective date of this standard, thereby, rendering the term “new” obsolete. After the effective date of this proposal, both Group II and Group III standards would apply to existing elevators with the dates of installations differentiating the two groups.

Subsection (g). Existing Installations

Existing section 3000(g) consists of subsections (g)(1) through (g)(3). The existing heading of subsection (g) reads “Existing Installations.”

It is proposed to delete the term “Existing” and in its place use the term “Group II” in the heading of subsection (g) to read as “Group II Installations”.

The effect of this proposal on the regulated public is that Group II standards would not be defined only by the term “existing” because after the effective date of these proposed standards, both Group II and Group III standards would apply to existing elevators. The difference between the Group II and Group III existing elevators would be the different installation dates that are specified in the proposed new Group II and Group III headings.

Existing subsection (g) identifies existing installations, summarily described, as devices listed in subsection (c); devices inspected by the Division with an assigned serial number; devices for which erection began before the existing standards became effective; and devices erected from plans or contracts completed and which notice of intent to install is filed with the Division before the existing standards became effective. In addition, existing subsection (g) contains a “NOTE” that indicates standards for existing installations are contained in Group II.

The proposal deletes references to “existing installations” and “existing devices” in subsection (g) and provides specific dates for the applicability of Group II standards. In addition, it is proposed to revise the “NOTE” in existing subsection (g) to delete the term “existing” and to include the phrase “Group II” to follow the phrase “Regulations for.”

The effect of this proposal on the regulated public is that elevator installations covered in Group II are now proposed to be identified as elevators installed before October 25, 1998; thereby, rendering the term “existing” obsolete.

Subsection (h). Alterations, Repairs, Replacements, and Maintenance of Devices

Existing subsection (h) specifies that alterations, repairs, replacements, and maintenance of devices as specified in section 3000(c) shall comply with Part XII of ASME A17.1-1996, which is incorporated by reference, except for certain rules and sections.

The proposal revises the numbering system in existing subsection (h) to include a new subsection number “(h)(1)” prior to the existing language following the heading of subsection (h).

This proposal will have no regulatory effect upon the regulated public as it editorially reformats existing language.

In addition, this proposal adds new subsection (h)(2) that provides for alterations made on Group II and Group III devices after the effective date of this standard [OAL to insert the effective date of the standard].

The effect of this proposal on the regulated public will be that alterations made on Group II and Group III devices, after the effective date of this standard, must comply with the requirements of section 3141.2 of Group IV standards which requires adherence to specific portions of ASME A17.1-2004.

Article 2. Permit to Operate

Section 3001. Permit to Operate

Subsection (a)(8)

Existing section 3001(a)(8) provides that the person or firm installing static controls shall provide the Division with information that the control complies with the requirements of Group II, section 3040(f)(4) and (f)(7). The information shall consist of certain diagrams of the control and safety circuit, or certain checkout procedure and demonstration of certain control circuits as required by section 3040(f)(4) and (f)(7).

The proposal adds an “EXCEPTION” to section 3001(a)(8) that provides that installation of static control for Group IV installations shall comply with Group IV, section 3141.3.

The effect of this proposal on the regulated public will be that the requirements of section 3001(a)(8) apply only to Group II and Group III installations. Group IV installations must comply with Group IV, section 3141.3.

Subsection (b). Inspections Required

Existing section 3001(b) provides for inspection of each new device, each alteration, replacement of certain equipment such as door locking devices, safety devices, governors, oil buffers, counterweights, car enclosures and car doors and gates, terminal stopping devices, operating devices and control equipment, controllers, and emergency and signaling devices. It also provides for re-inspection of devices, inspection of elevators in certain multiunit residential buildings, and inspection of special access elevators.

The proposal replaces the terms “passenger or freight elevator” with the term “device” in subsection (b)(2) to be consistent with terminology already used in proposed section 3000(c) that utilizes the term “devices” to collectively include all elevator types listed in proposed subsections (c)(1) through (c)(15). Therefore, this proposal will have no effect on the regulated public.

Article 6. Definitions

Section 3009. Definitions

Existing section 3009 of Article 6 contains the definitions of terms used in the Elevator Safety Orders.

This proposal defines several new terms including: Automated People Mover; Certified Competent Conveyance Inspector (CCCI); Certified Competent Conveyance Mechanic (CCCM); Certified Qualified Conveyance Company (CQCC); Certified Qualified Conveyance Inspection Company (CQCIC); Conveyance; Dormant Elevator, Dumbwaiter, or Escalator; Periodic Inspection; and Re-inspection.

This proposal also makes non-substantive changes to the definition of the term “Speed Governor” for clarity purposes.

The effect of this proposal on the regulated public is to provide clarity to the elevator standards by including definitions of terms used throughout the Elevator Safety Orders.

Group II. Existing Elevator Installations

The existing heading of Group II reads “Existing Elevator Installations.”

The proposal amends the title of Group II from “Existing Elevator Installations” to include an introductory sentence that states “Elevator installations for which the installation contract was signed before October 25, 1998.” The proposal also deletes the existing language that states “Group II regulations apply to existing elevators installed prior to October 25, 1998.”

The effect of this proposal on the regulated public is to provide clarity to the scope of Group II standards that specifically apply to existing elevators for which the installation contract was signed before October 25, 1998, and that standards in Group II apply.

Article 15. Special Access Conveyances and Special Access Lifts

Section 3094.2. Vertical Platform (Wheelchair) Lifts

Existing section 3094.2 provides platform dimensions and platform door location for vertical platform wheelchair lifts which require the wheelchair or conveyance to be rotated 90 degrees for egress.

Existing subsection (p)(1) states that the platform inside dimensions may range from 42 inches to 50 inches on one side by 53 inches to 60 inches on the other side.

The proposal amends subsection (p)(1) to read “The clear inside unobstructed platform dimensions may range from 42 inches to 48 inches on one side by 54 inches to 60 inches on the other side.”

Existing subsection (p)(2) states that where there is an increase in the minimum width of 42 inches, the maximum 60 inch length shall be reduced by the number of inches the width has been increased.

The proposal amends subsection (p)(2) to read “When the platform minimum width of 42 inches is increased, the platform maximum 60 inch length shall be decreased by the number of inches the width has been increased (see the Table in section 3093.46(b)).”

The effect of this proposal on the regulated public is that the various dimensions specified in proposed subsections (p)(1) and (p)(2) are to provide clear unobstructed platform space inside the platform and to specify the varying relationship between the width and length dimensions of the platform.

Group III. New Elevator Installations

The existing heading of Group III reads “New Elevator Installations.”

This proposal amends the title of Group III to include an introductory sentence that states “Elevator installations for which the installation contract was signed on or after October 25, 1998 but before [OAL to insert the effective date of the standard].” This proposal also deletes the existing language that states “Group III regulations apply to new elevators installed after October 25, 1998.”

The effect of this proposal on the regulated public is to provide clarity to the scope of Group III standards that specifically apply to elevators with an installation date on or after a certain date, and before a certain date, and that standards in Group III apply.

Article 20. Hoistways, Hoistway Enclosures, and Related Construction for Electric Elevators

Section 3120.6. Pits

Existing section 3120.6 contains requirements pertaining to pits. Existing subsection (c) indicates that a water removal system such as a sump pump, suction drain, or gravity drain may be used to address water accumulations on the pit floor as it relates to section 1206.2a of ASTM A17.1-1996.

An editorial revision is proposed to replace the term “section” with the term “Rule” as the appropriate reference to ASME standards. In addition, an editorial revision is proposed to correct “ASTM” A17.1-1996 to read “ASME” A17.1-1996, which is the appropriate ASME standard.

This proposal will have no effect on the regulated public as it corrects inadvertent references by identifying the appropriate terminology and the appropriate ASME standard.

Article 37. Seismic Requirements for Elevators, Escalators and Moving Walks

The existing title of Article 37 reads “Seismic Requirements for Elevators, Escalators and Moving Walks.”

It is proposed to amend the title of existing Article 37 to read “Seismic Requirements” to provide a general heading for this article.

It should be noted that the title of existing section 3137 already reads “Seismic Requirements for Elevators, Escalators and Moving Walks,” and therefore, this proposal will have no effect on the regulated public.

Section 3137. Seismic Requirements for Elevators, Escalators and Moving Walks

Existing section 3137 contains seismic requirements for elevators, escalators, and moving walks. Existing subsection (d) outlines specific requirements for escalators and moving walks. Existing subsection (d)(2)(C) states that seismic restraint shall be provided in the transverse direction at all supports and that the gap between the escalator truss and the seismic restraint shall not exceed ¼ inch on each side.

Amendments are proposed to existing subsection (d)(2)(C) to read “Seismic restraint shall be provided in the transverse direction at the top and bottom supports.” It is also proposed to add a requirement that reads “Intermediate supports, if any, shall be free to move laterally in all directions.”

The effect of this proposal on the regulated public is that certain structural supports are required at the top and bottom supports for structural protection during earthquakes, and will provide that intermediate supports, if provided, must be designed to move freely in a lateral fashion during seismic activity.

New Group IV. Conveyance Installations for Which the Installation Contract was Signed On or After [OAL to insert the effective date of the standard]

The proposal adds a new group heading to read “Group IV. Conveyance Installations for Which the Installation Contract was Signed On or After [OAL to insert the effective date of the standard].”

The effect of this proposal on the regulated public is that conveyances, for which the installation contract was signed on or after the effective date of this standard, will comply with Group IV standards.

New Article 40. Application

The proposal adds a new Article 40 titled “Application.”

The effect of this proposal on the regulated public is to designate a new article for the subsequent applicable sections of Group IV standards.

New Section 3140. Application

The proposal adds a new section 3140 titled “Application” consisting of new subsections (a) and (b).

Proposed new subsection (a) specifies that Group IV governs the design, erection, construction, installation, service, and operation of conveyances installed after the effective date of this standard as defined in Section 7300.1 of the Labor Code.

The effect of this proposal on the regulated public is that conveyances defined in the referenced parts of the California Labor Code, installed after the effective date of this standard, must comply with the design, erection, construction, installation, service, and operation standards in proposed new Group IV.

Proposed new subsection (b) states the titles and editions of standards referenced in these Orders. New subsection (b) also indicates that the standards in the Elevator Safety Orders have precedence if differences exist between the referenced standards and the standards in the Elevator Safety Orders.

The effect of this proposal on the regulated public is that this proposal provides the publications, titles, and editions of the referenced standards cited in the proposed Group IV standards. This proposal also establishes precedence between the referenced standards and the standards in the Elevator Safety Orders if differences exist.

New Article 41. Conveyances Covered by ASME A17.1-2004

The proposal adds new Article 41 titled “Conveyances Covered by ASME A17.1-2004.”

The effect of this proposal on the regulated public is that standards for conveyance in ASME A17.1-2004, Safety Code for Elevator and Escalators, will be stated in the proposed new sections of Article 41.

New Section 3141. Scope

The proposal adds new section 3141 that states conveyances covered by ASME A17.1-2004, section 1.1, shall comply with ASME A17.1-2004, Safety Code for Elevator and Escalators, except for certain sections indicated. This proposal also incorporates by reference ASME A17.1-2004.

The effect of this proposal on the regulated public is that conveyances covered by ASTM A17.1-2004, section 1.1, and installed on or after the effective date of this standard, must comply with the ASME standard for Safety Code for Conveyances and Escalators, except for certain sections indicated.

New Section 3141.1. Maintenance, Repair, and Replacement

The proposal adds new section 3141.1 that requires the maintenance, repair, and replacement of conveyances shall comply with section 8.6 of ASME A17.1-2004, and incorporates by reference this section.

The effect of this proposal on the regulated public is that maintenance, repair, and replacement of conveyances must comply with ASME A17.1-2004, section 8.6.

New Section 3141.2. Alterations

The proposal adds new section 3141.2(a) that provides provisions for alterations made to conveyances and that these provisions comply with section 8.7 of ASME A17.1-2004, and incorporates by reference this section.

The effect of this proposal on the regulated public will allow for alterations to be made to conveyances but must comply with ASME A17.1-2004, section 8.7.

Proposed new subsection (b) provides that alterations concerning safety requirements for seismic risks shall comply with ASME A17.1-2004, section 8.4. Proposed new subsection (b)(1) provides that alterations on controllers, change of motion controllers, and change in type of operation control shall comply with ASME A17.1-2004, section 8.4.10. This proposal incorporates by reference these sections in ASME A17.1-2004.

The effect of this proposal on the regulated public is that alterations on conveyances must comply with ASME A17.1-2004, section 8.7. Alterations concerning safety requirements for seismic risks must

comply with ASME A17.1-2004, section 8.4. Alterations on controllers, change of motion controllers, and change in type of operation control, must comply with ASME A17.1-2004, section 8.4.10.

New Section 3141.3. Static Controls

The proposal adds new section 3141.3 that pertains to static controls specified in ASME A17.1-2004, which is incorporated by reference.

Proposed new subsection (a) requires that installation of static controls shall comply with ASME A17.1-2004 requirements applicable to the conveyance involved. Proposed new subsection (b) requires the company that installs the static controls shall provide verification to the Division that the controls comply with ASME A17.1-2004. Proposed new subsection (c) requires that the results of the Electromagnetic Interference testing required by ASME A17.1-2004 be submitted to the Division for review and that the test include any wireless communication system used.

The effect of this proposal on the regulated public is that static control installations must be consistent with the requirements of ASME A17.1-2004, specific to the conveyance involved. Furthermore, the company installing the static controls must be a Certified Qualified Conveyance Company (CQCC) and that the CQCC shall provide the Division verification that the control complies with the requirements of ASME A17.1-2004. The verification must include information such as electrical schematic diagrams or block diagrams of the control and safety circuits; written check-off procedure and demonstration of safety and speed control circuits at the time of the initial inspection; and the results of the Electromagnetic Interference (EMI) testing, including any wireless communication system used.

New Section 3141.4. Acceptance Inspections and Tests

The proposal adds new section 3141.4(a) that specifies acceptance inspections and tests shall comply with the parts of section 8.10 of ASME A17.1-2004 that are applicable to the type of conveyance installed or altered, and incorporates by reference this section.

The effect of this proposal on the regulated public is that newly installed or altered conveyance installations must comply with acceptance inspections and tests applicable to the type of conveyance installation.

Proposed new subsection (b) provides that private residential conveyances installed, or that have undergone major alterations, located in multiunit residential buildings serving no more than two dwelling units and not accessible to the public, shall be inspected for safety and compliance with the applicable provisions in ASME A17.1-2004, sections 5.3 and 5.4, in addition to the acceptance inspections and tests specified in section 3141.4(a).

The effect of this proposal on the regulated public is that private residential conveyances installed, or undergone major alterations, located in certain multiunit residential buildings are required to be inspected for safety and compliance with certain provisions of ASME A17.1-2004, in addition to inspections and tests specified in section 3141.4(a).

New Section 3141.5. Periodic Inspections

The proposal adds new section 3141.5 that states conveyances covered by ASME A17.1-2004 shall comply with the periodic inspection requirements in parts of section 8.11 of ASME A17.1-2004 that apply to the type of conveyance involved, and incorporates by reference this section.

The effect of this proposal on the regulated public is that the items specified in section 8.11 of ASME A17.1-2004 must be inspected periodically.

In addition, proposed Section 3141.5 contains an "EXCEPTION" statement that certain types of private residential conveyances specified in new Section 3141.4(b) are not subject to periodic inspections.

The effect of this proposal on the regulated public is that certain types of private residential conveyances are not required to have periodic inspections.

New Section 3141.6. Periodic Tests

The proposal adds new section 3141.6 that provides for periodic tests for conveyances covered by ASME A17.1-2004, which incorporates by reference those applicable sections, and consists of subsections (a) through (f).

Proposed new subsection (a) indicates periodic testing shall comply with the parts of section 8.11 of ASME A17.1-2004 for the type of conveyance involved, with the following frequencies: (1) Category One Test - completed once every 12 months and apply to earthquake protective devices; (2) Category Three Tests - completed once every 36 months; and 3) Category Five Tests - completed once every 60 months.

The effect of this proposal on the regulated public is that conveyances covered by ASME A17.1-2004 must comply with the periodic testing requirements of section 8.11 of ASME A17.1-2004. The items specified in section 8.11 of ASME-A17.1-2004 must be inspected with the frequencies specified. Also, a Category One Test must apply to earthquake protective devices.

Proposed new subsection (b) states that test tags are required in accordance with section 8.11.1.6 of ASME A17.1-2004. Tags shall be installed in machinery space when machine rooms are not available.

The effect of this proposal on the regulated public is that tags with the required test data must be provided and installed in the machine room; and if a machine room is not available, the tags must be installed in the machinery space where the machinery is located.

Proposed new subsection (c) provides that the periodic tests shall be conducted by a Certified Competent Conveyance Mechanic (CCCM) employed by a Certified Qualified Conveyance Company (CQCC).

The effect of this proposal on the regulated public is that the Division will recognize and accept the tests specified, when conducted by a Certified Competent Conveyance Mechanic.

Proposed new subsection (d) indicates a Certified Competent Conveyance Inspector (CCCI) employed by a Certified Competent Conveyance Inspection Company (CCCIC), or a Division Certified Competent Conveyance Inspector, if a CQCIC is not available, shall witness the periodic tests as required by ASME

A17.1-2004, section 8.11.1.1.2, and incorporates by reference this section. The periodic tests witnessed shall be reported to the Division within a certain number of days of the test. The report shall include certain information such as the name of the company that conducts the tests, the name of the inspector witnessing the test, the type of test performed, the name of the CQCC and CCCM who performed the test, and the date and results of the test.

The effect of this proposal on the regulated public is that the tests be witnessed by a Certified Competent Conveyance Inspector employed by a Certified Competent Conveyance Inspection Company, or a Division qualified inspector, if a CQCIC is not available. The inspector employed by the inspection company witnessing the test must provide to the Division certain information regarding the test.

Proposed new subsection (e) specifies that all statements on the form shall be made under penalty of perjury.

The effect of this proposal on the regulated public is that the information/statements submitted by the certified conveyance inspector on the inspection witnessed must be made under penalty of perjury.

Proposed new subsection (f) specifies that if a conveyance fails a periodic test, the conveyance shall be removed from service until a satisfactory test result is achieved.

The effect of this proposal on the regulated public is that a conveyance that fails a periodic test will not be allowed to remain in service. A failed conveyance may return to service when a satisfactory test result is achieved.

New Section 3141.7. General Requirements

The proposal adds new section 3141.7 that pertains to general requirements and consists of subsections (a)(1) through (a)(19), subsection (b), and an informational "NOTE."

New Subsection (a)

Proposed new subsection (a)(1) specifies that hoistway door unlocking devices described in section 2.12.6 of ASME A17.1-2004 are prohibited on all conveyances.

The effect of this proposal on the regulated public is that hoistway unlocking devices will not be permitted at any landing where there is an entrance.

Proposed new subsection (a)(2) specifies that emergency doors in blind hoistways described in ASME A17.1-2004, section 2.11.1.1, and access panels described in ASME A17.1-2004, section 2.11.1.4, are prohibited.

The effect of this proposal on the regulated public is that conveyances installed in single blind hoistways must not be equipped with emergency doors at any of the floors. Also, access panels for cleaning transparent enclosures are not allowed.

Proposed new subsection (a)(3) specifies that all electrical equipment and wiring shall comply with the California Code of Regulations, Title 24, Part 3, California Electrical Code.

The effect of this proposal on the regulated public is that only electrical equipment and wiring that conform to the California Electrical Code will be used.

Proposed new subsection (a)(3)(A) specifies that the light switch shall be located on the strike side of the machine room door if a machine room door is provided.

The effect of this proposal on the regulated public is that the light switch must be on the side of the door where the strike plate is installed, if a door is provided, thereby, facilitating access to the switch.

Proposed new subsection (a)(3)(B) specifies that the light switch shall be located adjacent to the elevator pit access door within 18 inches to 36 inches above the access landing when access to the conveyance pit is through the lowest landing door.

The effect of this proposal on the regulated public is that the light switch in the conveyance pit must be located in a particular location within a certain height range above the access landing if egress and ingress to the conveyance pit is through the lowest landing door, thereby, facilitating access to the switch.

Proposed new subsection (a)(3)(C) specifies that fire detecting systems for hoistways and the necessary wiring may be installed in hoistways, provided that the system is arranged to be serviced and repaired from outside the hoistway.

The effect of this proposal on the regulated public is that fire detecting systems and associated wiring may be installed and serviced in a safe and otherwise appropriate manner.

Proposed new subsection(a)(4) specifies that the 4-inch dimension referenced in ASME A17.1-2004, section 2.1.6.2, shall be reduced to 2 inches, and the 6.5 inch dimension referenced in ASME A17.1-2004, section 2.14.4.5.1(d), shall be reduced to 6 inches. This proposal proposes a more stringent requirement than the existing ASME standard to reduce the hazardous shear point distance between the stationary hoistway and the moving elevator.

The effect of this proposal on the regulated public is that the setback distance must be 2 inches, and the distance from the face of the car door or gate and the hoistway must be 6 inches on freight conveyances equipped with certain doors and not accessible to the public.

Proposed new subsection (a)(5) specifies that the means of providing automatic disconnect from the main power supply to the affected conveyance upon or prior to the application of water from sprinklers located in the machine room or in the hoistway as required by ASME A17.1-2004, section 2.8.2.3.2, is permitted, but is not mandatory.

The effect of this proposal on the regulated public is that this provision provides that a main power disconnect for the sprinklers in the machine room or hoistway to be an option, and not a requirement, as specified in section 2.8.2.3.2 of ASME A17.1-2004.

Proposed new subsection (a)(6) specifies that door locking devices, oil buffers, car and counterweight safety devices, speed governors, and plunger engaging safety devices (plunger gripper) shall be approved by the Division based on the criteria contained in ASME A17.1-2004, sections 2.12, 2.17, 2.18, 2.22.4, and 3.17.3; and Group II, sections 3105(b), 3106(b), 3106.1, 3108(f), and 3110(a).

The effect of this proposal on the regulated public is that the devices specified must be approved by the Division. The Division will base its approval on the criteria specified in the applicable sections of ASME A17.1-2004 and with the applicable sections of Group II.

Proposed new subsection (a)(7) specifies that an audible signaling device complying with ASME A17.1-2004, section 2.27.1.2, shall be provided on all conveyances regardless of the existence of an emergency stop switch.

The effect of this proposal on the regulated public is that even if an emergency stop switch is not provided, an audible signaling device must still be provided.

Proposed new subsection (a)(8) specifies that the car shall be permitted to move one floor on resumption of normal, emergency, or standby power addressed in ASME A17.1-2004, section 2.27.3.4.

The effect of this proposal on the regulated public is that the car movement to re-establish position must be limited to one floor.

Proposed new subsection (a)(9) specifies that guards, if perforated, shall reject a ½ inch ball addressed in ASME A17.1-2004, section 2.3.2.2(e).

The effect of this proposal on the regulated public is that if perforated metal guards are installed in the pit and/or machine room for protection on open sides of the counterweight runway, the perforations must reject a ½ inch ball, thereby, providing an acceptable minimum level of safety.

Proposed new subsection (a)(10) specifies that the speed governor and safety marking plates shall contain the manufacturer's identifying number.

The effect of this proposal on the regulated public is that marking plates must be marked with the manufacturer's identifying number in addition to the other data required.

Proposed new subsection (a)(11) specifies that a reduced diameter governor rope of equivalent construction and material to that required by ASME A17.1-2004 shall be permitted if the factor of safety related to the strength necessary to activate the safety is 5 or greater.

The effect of this proposal on the regulated public is that a reduced diameter governor rope is allowed provided the rope is of equivalent construction and material, and provided that the 5 safety factor or greater is maintained when the safety activates, thereby, providing an acceptable minimum level of safety.

Proposed new subsection (a)(12) specifies that scissor type collapsible gates are prohibited.

The effect of this proposal on the regulated public is that collapsible car gates are allowed provided the collapsible car gate is not scissor type.

Proposed new subsection (a)(13) specifies that the guarding of counterweights in a multiple-elevator hoistway shall comply with Group II, section 3013(c).

The effect of this proposal on the regulated public is that the counterweight must be guarded for the entire length of the hoistway with wire-mesh material.

Proposed new subsection (a)(14) specifies that water removal systems used to address the accumulation of water in pits shall comply with Group III, section 3120.6(c) and section 3120.6(d).

The effect of this proposal on the regulated public is that the pit must be provided with a water removal system such as sump pump, suction drain, or gravity drain.

Proposed new subsection (a)(15) specifies that conveyances in jails and penal institutions are exempt from the requirements related to the installation of fire fighters' emergency operation where the recall of conveyances will interfere with security.

The effect of this proposal on the regulated public is that conveyances in jails and penal institutions are exempt from the fire fighters' emergency operation where the recall of conveyances would interfere with security, thereby, allowing jails and penal institutions to maintain a necessary level of security.

Proposed new subsection (a)(16) specifies that guarding of exposed equipment shall comply with Group II, section 3014.

The effect of this proposal on the regulated public is that exposed equipment in machine rooms and machinery spaces must be guarded.

Proposed new subsection (a)(17) specifies that partitions, not less than 6 feet high from the pit floor, shall be provided between pits of adjacent hoistways, and the openings in the partition shall reject a 2-inch ball. The partitions may be omitted if the clearance between the underside of the car sling when resting on a fully compressed buffer and the bottom of the pit is not less than 7 feet.

The effect of this proposal on the regulated public is that certain partitions must be provided between pits of adjacent hoistways for protection from moving elevator cars and counterweights.

Proposed new subsection (a)(18) specifies that looped pull straps are prohibited.

The effect of this proposal on the regulated public is that looped pull straps will not be installed on doors.

Proposed new subsection (a)(19) specifies that access switches as described in ASME A17.1-2004, section 2.12.7, are required regardless of the rated speed and must be installed in the hoistway entrance frame or within 12 inches of the entrance frame and not less than 36 inches nor more than 78 inches above floor level.

The effect of this proposal on the regulated public is that access switches must be provided notwithstanding the elevator's rated speed. The access switches must be installed within a certain minimum and maximum height above floor level.

New Subsection (b). Medical Emergency Service

The proposal adds new subsection (b) that provides for medical emergency service to comply with section 3041(e), Group II.

The effect of this proposal on the regulated public is that conveyances, used for medical emergency service, must comply with the design and designation requirements in Group II, section 3041(e).

This proposal includes a “NOTE” that refers to Title 24, Chapter 30, section 3003.5a. of the California Building Code for regulations related to medical emergency service conveyances.

This proposal is informational only as it refers the regulated public to standards pertaining to medical emergency service conveyances. Therefore, this proposal will have no effect on the regulated public.

New Section 3141.8. Electric Conveyances

The proposal adds new section 3141.8 that applies to electric conveyances covered by ASME A17.1-2004, which incorporates by reference those applicable sections, and consists of subsections (a)(1) through (a)(5).

Proposed new subsections (a)(1) and (a)(1)(A) stipulate that a means of access to the governor from outside the hoistway as required by section 2.1.3.1.2(b)(1) of ASME A17.1-2004 shall not be required provided the governor can be inspected and serviced from the top of the car, and the governor can be tripped for testing from outside the hoistway. Proposed new subsection (a)(1)(B) states that the governor can be reset automatically when the car is moved in the up direction or the governor can be reset from outside the hoistway. Proposed new subsection (a)(1)(C) states that mechanical means to secure the car during governor or governor rope replacement or removal is provided and signs indicating that the car is secured before removal of the governor rope is placed in the vicinity of the governor. This proposed subsection also states that instructions in the use of this means shall be available on site for use by a CCCM. Proposed subsection (a)(1)(D) states that means to reset the governor switch, if provided, shall be located outside the hoistway. Proposed subsection (a)(1)(E) states that additional permanent lighting of not less than 5 footcandles and a switch for the lighting shall be provided in the governor area. Proposed subsection (a)(1)(F) states that written procedures for testing, servicing, maintaining, and inspecting the governor shall be developed and made available to the CQCC providing the service on the elevator and upon request to the Division.

The effect of this proposal on the regulated public is that an alternate means is available to access the governor for inspection and maintenance, provided certain equipment and mechanisms function as indicated and certain procedures are provided and utilized.

Proposed new subsection (a)(2) specifies that a floor above a hoistway per section 2.1.3.1.1 of ASME A17.1-2004 is required only if a machine room or other room that requires entry is provided above the hoistway.

The effect of this proposal on the regulated public is that a floor above the hoistway is required only if a machine room or other room that requires access is located above the hoistway.

Proposed new subsection (a)(3) specifies that a stop switch complying with section 2.26.2.5 of ASME A17.1-2004 shall be provided at a readily accessible location adjacent to the conveyance driving machine if the driving machine is located in the hoistway.

The effect of this proposal on the regulated public is that a means to readily stop the conveyance must be provided when the driving machine is in the hoistway.

Proposed new subsection (a)(4) specifies that the Division may grant a temporary experimental variance pursuant to section 6452 of the Labor Code for an alternate suspension system not meeting the specifications of ASME A17.1-2004, section 2.20, if the alternate system provides equivalent safety. Manufacturer's documentation supporting equivalent safety shall be submitted to the Division for review and approval. The manufacturer's documentation submitted to the Division shall include, but not be limited to: Definitions of terminology used; calculations and test results supporting the equivalency of the alternate system; the material, dimensional characteristics, and mechanical properties of the various parts of the system; the life cycle criteria of the suspension means and their connections; the replacement criteria for the suspension ropes and their connections; and the allowable sheave size to be used with the suspension system.

The effect of this proposal on the regulated public is that the Division may grant a temporary experimental variance for an alternate suspension system if the documentation supporting equivalent safety and the added technical data are provided.

Proposed new subsection (a)(5) specifies that a car top emergency exit shall not be permitted on an elevator installed in a partially enclosed hoistway.

The effect of this proposal on the regulated public is that no other egress will be allowed in conveyances installed in partially enclosed hoistways.

New Section 3141.9. Limited-Use/Limited-Application Conveyances

The proposal adds new section 3141.9 that provides for limited-use/limited-application conveyances and specifies that limited-use/limited-application conveyances covered by ASME A17.1-2004, shall comply with section 5.2 of ASME A17.1-2004, and incorporates by reference this section.

The effect of this proposal on the regulated public is limited-use/limited-application conveyances must comply with the standards in section 5.2 of ASME A17.1-2004.

New Section 3141.10. Conveyances Used for Construction

The proposal adds new section 3141.10 that applies to conveyances used for construction covered in section 5.10 of ASME A17.1-2004, and incorporates by reference this section.

Proposed new subsection (a) specifies that conveyances used for construction covered in ASME A17.1-2004 shall comply with section 5.10 of ASME A17.1-2004, which incorporates by reference this section, and consists of proposed subsections (a)(1) through (a)(8).

The effect of this proposal on the regulated public is that conveyances used for construction must comply with standards in section 5.10 of ASME 17.1-2004 and the following proposed subsections (a)(1) through (a)(8).

Proposed new subsection (a)(1) specifies that a trained and authorized person shall be stationed at, and operate the controls in the conveyance car during the hours the conveyance is in operation. Training shall include at least conveyance operation and emergency procedures.

The effect of this proposal on the regulated public is that conveyances used for construction can only be used when operated by trained authorized persons trained on conveyance operations and emergency procedures, thereby, enhancing safety.

Proposed new subsection (a)(2) states that there shall be a means of two-way communication provided between the operator and a location on the jobsite that is staffed at all hours during conveyance operation.

The effect of this proposal on the regulated public is that communication must be available between the conveyance operator and jobsite staff during all hours the conveyance is in operation, thereby, enhancing safety.

Proposed new subsection (a)(3) specifies that there shall be a means of two-way voice communication (wired or wireless) between the conveyance operator and all hall landings. A separate communication system shall be provided at each landing and be operable during all hours of operation, i.e., an annunciator next to the operator's station in the car, which can be activated from the landings.

The effect of this proposal on the regulated public is that communications must be facilitated between the conveyance operator and all hall landings, and conversely, a means to communicate from each landing with the conveyance operator shall be available.

Proposed new subsection (a)(4) states that an emergency plan and procedure shall be developed and made available to the Division during any inspection.

The effect of this proposal on the regulated public is that an emergency plan and procedure must be available and accessible to the Division during inspections, thereby, enhancing safety.

Proposed new subsection (a)(5) specifies that when permanent doors are installed, approved interlocks shall be provided.

The effect of this proposal on the regulated public is that permanent doors installed must be equipped with approved interlocks, thereby, enhancing safety.

Proposed subsections (a)(6) and (a)(7) indicate a durable sign with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted inside the conveyance car indicating that the conveyance is for construction use only and that the conveyance shall be operated by an authorized person only. In addition, a durable sign with the same specifications shall be posted at all landings providing instructions on how to summon the conveyance.

The effect of this proposal on the regulated public is that signs are required to be posted to inform about the operation and use of the conveyance, thereby, enhancing safety.

Proposed new subsection (a)(8) specifies that the conveyance shall be parked and secured against unauthorized access after working hours.

The effect of this proposal on the regulated public is that the conveyance must be parked and secured after working hours, thereby, enhancing safety.

New Section 3141.11. Escalators

The proposal adds new section 3141.11 that specifies escalators covered by ASME A17.1-2004 shall comply with section 6.1 of ASME A17.1-2004, which incorporates by reference this section, and shall comply with Group III, section 3126.6(b).

The effect of this proposal on the regulated public will be that the escalators must comply with section 6.1 of ASME A17.1-2004 and with section 3126.6(b) that requires the building owners or responsible parties to provide a competent person to assist the Division's representative to gain access to the drive unit, brakes, or safety devices.

New Section 3141.12. Moving Walks

The proposal adds new section 3141.12 that states moving walks covered by ASME A17.1-2004 shall comply with section 6.2 of ASME A17.1-2004, which incorporates by reference this section, and shall comply with Group III, section 3127.6(b).

The effect of this proposal on the regulated public will be that moving walks must comply with section 6.2 of ASME A17.1-2004 and with section 3127.6(b) that requires the building owners or responsible parties to provide a competent person to assist the Division's representative to gain access to the drive unit, brakes, or safety devices.

New Section 3141.13. Seismic Requirements

The proposal adds new section 3141.13 to include new subsection (a) that specifies conveyances covered by ASME A17.1-2004 shall comply with the seismic requirements in section 8.4 of ASME A17.1-2004, which incorporates by reference this section, and shall comply with Group III, sections 3137(a) and 3137(b).

The effect of this proposal on the regulated public will be that conveyances must comply with seismic standards in section 8.4 of ASME A17.1-2004 and that earthquake protective devices will be designed, arranged, and maintained to ensure that if any component fails, the elevator would function in a certain mode, thereby, enhancing safety. For hospital buildings, the earthquake sensing devices will activate upon excitation in a horizontal or vertical direction of not more than 0.5 g.

Proposed new subsection (b) specifies that escalators covered in ASME 17.1-2004 shall comply with the seismic requirements in Group III, section 3137(d).

The effect of this proposal on the regulated public will be that escalators covered by ASME A.17-1-2004 must comply with certain structural design requirements and be provided with certain seismic devices as specified in section 3137(d).

New Article 42. Conveyances Covered by ASME A18.1-2003

The proposal adds new Article 42 titled "Conveyances Covered by ASME A18.1-2003."

The effect of this proposal on the regulated public is that standards for conveyances covered in ASME A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts, will be stated in the proposed new sections of Article 42.

New Section 3142. General Requirements

The proposal adds new section 3142 that applies to conveyances covered by ASME A18.1-2003, section 1.1, Scope, and incorporates by reference this section.

Proposed new subsection (a) specifies that conveyances covered by ASME A18.1-2003 as set forth in section 1.1, Scope, and Article 42, shall comply with ASME A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts.

The effect of this proposal on the regulated public is that platform lifts and stairway chairlifts must comply with the consensus standards in ASME A18.1-2003 that will become part of these safety orders.

Proposed new subsection (a)(1) indicates that Group II, sections 3094.2(r) and 3094.5 apply to platform lifts and stairway chairlifts.

The effect of this proposal on the regulated public is that platform lifts and stairway chairlifts must comply with specific locking and maintenance requirements.

Proposed new subsection (a)(2) specifies that power doors shall comply with ANSI/BHMA A156.19-1997, American National Standard for Power Assist and Low Energy Power Operated Doors, which is incorporated by reference.

The effect of this proposal on the regulated public is that power doors must comply with the referenced national consensus standards that will become part of these Orders.

Proposed new subsection (b) specifies that acceptance inspections and tests shall comply with the parts of section 10.4 of ASME A18.1-2003 that are applicable to the type of elevator installed or altered.

The effect of this proposal on the regulated public is that the acceptance inspections and tests must be conducted on platform lifts and stairway chairlifts.

Proposed new subsection (c) states that periodic inspections shall comply with the parts of section 10 of ASME A18.1 – 2003 for the type of elevator involved.

The effect of this proposal on the regulated public is that periodic inspections must be conducted on platform lifts and stairway chairlifts.

Proposed new subsection (d) specifies that periodic tests shall comply with section 3141.6(c), (e), and (f), and with section 10.3 of ASME A18.1-2003.

The effect of this proposal on the regulated public is that periodic tests must be conducted on platform lifts and stairway chairlifts.

Proposed new subsection (e) indicates that periodic tests shall be witnessed by a Certified Competent Conveyance Inspector (CCCI) employed by a Certified Qualified Conveyance Inspection Company (CQCIC) or, if a CCCI is not available, by a Division CCCI. Periodic tests witnessed by a CCCI shall be reported to the Division by the CCCI on a form provided by the Division, or equivalent, within 21 days of the test. The information to be reported includes the name of the CQCIC and the CCCI

witnessing the test; the type of test performed; the name of the CQCC and CCCM who performed the test; the date of the test; and the results of the test.

The effect of this proposal on the regulated public is that either a certified competent conveyance inspector or a Division inspector must witness the periodic test. Periodic tests witnessed by the certified competent conveyance inspector must be reported to the Division on a certain form provided by the Division within a certain time frame, and the report must contain certain required information.

New Section 3142.1. Vertical Platform Lifts

The proposal adds new section 3142.1 that specifies vertical platform lifts covered by ASME A18.1-2003 shall comply with sections 2 and 5 of ASME A18.1-2003, which incorporates by reference these sections, and with Group II, sections 3094.2(d), 3094.2(e), 3094.2(g), and 3094.2(p).

The effect of this proposal on the regulated public is that vertical platforms lifts must comply with sections 2 and 5 of ASME A18.1-2003, and be provided with a separate means of disconnect, certain electric strike plates and manual lowering devices, and facilitate certain rotational capabilities for the wheelchair in the platform.

New Section 3142.2. Inclined Platform Lifts

The proposal adds new section 3142.2 that specifies inclined platform lifts covered by ASME A18.1-2003 shall comply with sections 3 and 6 of ASME A18.1-2003, which incorporates by reference these sections, and with Group II, sections 3094.3(e), 3094.3(f), 3094.3(g), 3094.3(h), except 3094.3(h)(2), and with sections 3094.3(j) and 3094.3(k).

The effect of this proposal on the regulated public is that inclined platform lifts must comply with sections 3 and 6 of ASME A18.1-2003, and be provided with certain items such as folding seats, signage warning of platform movement, audio and visual devices for communication, fold-type platforms complying with certain functions, certain requirements for intermediate steps, and turning restrictions for wheelchairs.

New Article 43. Automated Guided Transit Vehicles with an Exclusive Right-of-Way

The proposal adds new Article 43 titled “Automated Guided Transit Vehicles with an Exclusive Right-of-Way.”

The effect of this proposal on the regulated public is that standards for automated guided transit vehicles with an exclusive right-of-way, will be stated in the proposed new section of Article 43.

New Section 3143. Automated People Movers

The proposal adds new section 3143 that specifies automated people movers shall comply with ASCE 21, Part 1 (96), Part 2 (98), and Part 3 (00), Automated People Mover Standards, which are incorporated by reference.

The effect of this proposal on the regulated public is that automated people mover conveyances must comply with ASCE 21, Part 1, Part 2, and Part 3, Automated People Mover Standards, which will become part of these Orders in Title 8.

New Article 44. Hand Power Man Platforms, Manlifts, and Vertical and Inclined Reciprocating Conveyors

The proposal adds new Article 44 titled “Hand Power Man Platforms, Manlifts, and Vertical and Inclined Reciprocating Conveyors.”

The effect of this proposal on the regulated public is that standards for hand power man platforms, manlifts, and vertical and inclined reciprocating conveyors, will be stated in the proposed new sections of Article 44.

New Section 3144. Hand Power Man Platforms

The proposal adds new section 3144 that specifies hand power man platforms shall comply with standards in Group II, Article 16.

The effect of this proposal on the regulated public is that hand power man platforms must comply with the appropriate standards in Article 16 of Group II.

New Section 3145. Manlift

The proposal adds new section 3145 that specifies manlifts shall comply with standards in Group II, Article 17.

The effect of this proposal on the regulated public is that manlifts must comply with the appropriate standards in Article 17 of Group II.

New Section 3146. Vertical and Inclined Reciprocating Conveyors

The proposal adds new section 3146 that specifies vertical and inclined reciprocating conveyances shall comply with standards in Article 12.5 of Group II.

The effect of this proposal on the regulated public is that vertical and inclined reciprocating conveyances must comply with the appropriate standards in Article 12.5 of Group II.

DOCUMENTS INCORPORATED BY REFERENCE

- American Society of Mechanical Engineers (ASME) A17.1-2004, Safety Code for Elevators and Escalators.
- American Society of Mechanical Engineers (ASME) A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts.
- American Society of Civil Engineers (ASCE) Standards, Automated People Mover Standards—Part 1, ASCE 21-96; Part 2, ASCE 21-98; and Part 3, ASCE 21-00.
- American National Standard Institute/Builders Hardware Manufacturers Association (ANSI/BHMA) A156.19-1997 (Revision of ANSI/BHMA A156.19-1990), American National Standard for Power Assist and Low Energy Power Operated Doors.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday

through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All employers – state, local and private – will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than April 13, 2007. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on April 19, 2007, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the

above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JOHN D. MACLEOD, Chairman